

In the Matter Of:
KULAKOWSKI vs WESTROCK SERVICES

DONALD TAYLOR

November 16, 2017



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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL KULAKOWSKI,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO.
)	3:16-CV-02510
)	
WESTROCK SERVICES, INC.,)	
)	
Defendant.)	

DEPOSITION OF
DONALD CHARLES TAYLOR
Taken on Behalf of the Plaintiff
November 16, 2017
Commencing at 9:50 a.m.

Reported by: Jerri L. Porter, RPR, CRR
Tennessee LCR No. 335
Expires: 6/30/2018

<p>1 APPEARANCES:</p> <p>2 For the Plaintiff:</p> <p>3 HEATHER MOORE COLLINS</p> <p>4 Collins & Hunter</p> <p>5 7000 Executive Center Drive</p> <p>6 Building 2, Suite 320</p> <p>7 Brentwood, Tennessee 37027</p> <p>8 (615) 724-1996</p> <p>9 heather@collinshunter.com</p> <p>10</p> <p>11 For the Defendant:</p> <p>12 MARY DOHNER SMITH</p> <p>13 NELSON SUAREZ</p> <p>14 Constangy, Brooks, Smith & Prophete</p> <p>15 1010 SunTrust Plaza</p> <p>16 401 Commerce Street</p> <p>17 Nashville, Tennessee 37219</p> <p>18 (615) 320-5200</p> <p>19 mdohner@constangy.com</p> <p>20 nsuarez@constangy.com</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 2</p> <p>1 The deposition of DONALD CHARLES TAYLOR</p> <p>2 was taken on behalf of the Plaintiff on November 16,</p> <p>3 2017, in the offices of Bone, McAllester & Norton,</p> <p>4 131 Saundersville Road, Suite 130, Hendersonville,</p> <p>5 Tennessee, for all purposes under the Federal Rules</p> <p>6 of Civil Procedure.</p> <p>7 The formalities as to notice, caption,</p> <p>8 certificate, et cetera, are waived. All objections,</p> <p>9 except as to the form of the questions, are reserved</p> <p>10 to the hearing.</p> <p>11 It is agreed that Jerri L. Porter,</p> <p>12 being a Notary Public and Court Reporter for the</p> <p>13 State of Tennessee, may swear the witness, and that</p> <p>14 the reading and signing of the completed deposition</p> <p>15 by the witness are reserved.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 * * *</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 3</p> <p>1 I N D E X</p> <p>2 INDEX OF EXAMINATIONS</p> <p>3</p> <p>4 Examination By Ms. Collins5</p> <p>5 Examination By Ms. Dohner Smith38</p> <p>6</p> <p>7</p> <p>8 PREVIOUSLY MARKED EXHIBITS</p> <p>9 PRESENTED TO WITNESS</p> <p>10 Exhibit Description Page</p> <p>11</p> <p>12 No. 4 2011 RockTenn Employee Handbook40</p> <p>13 No. 18 Henley notes "Follow up on four24</p> <p>14 alleged witnesses-Names provided by</p> <p>15 Michael Kulakowski" Bates WestRock</p> <p>16 000225</p> <p>17</p> <p>18 No. 21 8/26/16 Meeting notes "August 26,27</p> <p>19 2016-MK-2:10pm" Bates WestRock</p> <p>20 000231-0233</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 4</p> <p>1 DONALD CHARLES TAYLOR</p> <p>2 was called as a witness, and after having been first</p> <p>3 duly sworn, testified as follows:</p> <p>4 E X A M I N A T I O N</p> <p>5 BY MS. COLLINS:</p> <p>6 Q Good morning. Could you state your complete</p> <p>7 name for the record, please.</p> <p>8 A Donald Charles Taylor.</p> <p>9 Q Mr. Taylor, you go by Donnie, right?</p> <p>10 A Yes.</p> <p>11 Q Could you spell that for the court reporter?</p> <p>12 A D-o-n-n-i-e.</p> <p>13 Q Where do you currently work, Mr. Taylor?</p> <p>14 A WestRock.</p> <p>15 Q Which facility?</p> <p>16 A 179 Hancock Street, Gallatin, Tennessee.</p> <p>17 Q Is that the fulfillment center?</p> <p>18 A Fulfillment center.</p> <p>19 Q How long have you been out there?</p> <p>20 A The fulfillment center, I've been there nine</p> <p>21 years.</p> <p>22 Q What do you do out there?</p> <p>23 A I drive a forklift in the shipping</p> <p>24 department.</p> <p>25 Q Okay. How long have you been driving a</p>

<p style="text-align: right;">Page 6</p> <p>1 forklift out there? Well, now, I just said that. 2 Let me rephrase that. I thought I was awake. 3 Who is your supervisor? 4 A There's a discrepancy on that part. 5 Q Okay. 6 A One tells me it's Larry Eden, somebody tells 7 me it's Michael White. So, if you want to, put down 8 both. 9 Q Okay. Have you always driven a forklift out 10 there? 11 A No, ma'am. The first five years I ran a 12 machine at the plant. 13 Q At the sheet plant? 14 A Yes, ma'am. 15 Q And did you do anything before that? 16 A At that facility, no, ma'am. 17 Q Okay. So in total, you've worked there, 18 what, about 14 years? 19 A I've been at the WestRock for almost 20 24 years. 21 Q Okay. What did you do before you ran a 22 machine at the sheet plant? 23 A I worked at Nicholstone (phonetic). 24 Q Okay. When did this discrepancy come up as 25 to who your supervisor was?</p>	<p style="text-align: right;">Page 8</p> <p>1 Q Did he ever hit you? 2 A Yes. 3 Q Tell me about that. 4 A He -- he would hit me and I would hit him 5 back. 6 Q Where would he hit you? 7 A Basically, in the arm or in the leg. 8 Q Would he Charley horse you? 9 A Couple of times. 10 Q About how many times did he hit you? 11 A At least a half dozen total between the 12 plant and the warehouse. 13 Q Did he ever kick you? 14 A No. 15 Q Did he ever grab you in the groin area? 16 A No. 17 Q Did he ever hit you in the groin area? 18 A Yes. 19 Q Tell me about that. 20 A I hit him back. 21 Q Okay. What did he do when you hit him back? 22 A He walked away. 23 Q How many times did he hit you in the groin 24 area? 25 A Roughly two to three times.</p>
<p style="text-align: right;">Page 7</p> <p>1 A This has been going back and forth since 2 I've been at the fulfillment center. They tell me 3 since I'm in shipping, I go under Larry Eden, but 4 Michael usually runs the show over at the 5 fulfillment center. So I basically listen to both. 6 Q How much time does Larry Eden spend at the 7 fulfillment center? 8 A Hardly any. 9 Q Was that the same in 2016? 10 A Yes. 11 Q How about 2015? 12 A Same. 13 Q You worked at the fulfillment center when 14 Tommy Whited was there, right? 15 A Yes. 16 Q Okay. How was that, working around him? 17 A At times it was okay, at times it wasn't. 18 Q Tell me about the times that it wasn't. 19 A When he'd come in moody. 20 Q What did he do when he came in moody? 21 A Pretty much took it out on everybody. 22 Q How so? 23 A Didn't like this, didn't like the way we put 24 stuff up, complained about every little thing there 25 was to complain about.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q Was that in the -- when was that? 2 A That was basically when I was over at the 3 plant. He did not do it when I was at the 4 warehouse. 5 Q Did you see him hit any other employees? 6 A Yes. 7 Q Tell me who. 8 A Terry Stafford, Michael Kulakowski, 9 J.R. Sanders, Jerry Harville, and a couple other 10 ones that are not there. 11 Q Did you only see him hit male employees? 12 A Yes. 13 Q Where did he hit Terry Stafford? 14 A Either in the arm or a couple of times in 15 the groins. 16 Q What did Mr. Stafford do? 17 A Hit him back. 18 Q Did he tell him not to do that again? 19 A To my knowledge, no. 20 Q Okay. And Mr. Kulakowski, where did he hit 21 him? 22 A In the groins, the arm, back of the head. 23 Q How many times did you see Mr. Whited hit 24 Mr. Kulakowski? 25 A At least a half a dozen.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q Do you recall any instances when he was hit</p> <p>2 in the groin where he fell to the ground and he</p> <p>3 couldn't catch his breath?</p> <p>4 A Twice.</p> <p>5 Q Do you recall when any of these were?</p> <p>6 A Dates, no.</p> <p>7 Q Was it in the -- was it like a year before</p> <p>8 he was terminated or a few years before he was</p> <p>9 terminated?</p> <p>10 A Probably within a year, year and a half.</p> <p>11 Q What did Mr. Kulakowski do?</p> <p>12 A Went to the floor and walked away after he</p> <p>13 got up.</p> <p>14 Q Did Mr. Kulakowski ever say anything to you</p> <p>15 about the way Tommy Whited treated him?</p> <p>16 A Yes.</p> <p>17 Q Tell me about that.</p> <p>18 A He just told me he was tired of it, and I</p> <p>19 kept telling him, that was the way Tommy liked to</p> <p>20 horseplay. He said he was sick of it. I told him a</p> <p>21 couple of times, hit him back. If you hit him back</p> <p>22 a couple of times, he'll eventually stop.</p> <p>23 Q What did he say, Mr. Kulakowski?</p> <p>24 A He was scared that he might lose his job,</p> <p>25 that Tommy would fire him.</p>	<p style="text-align: right;">Page 12</p> <p>1 A That probably went on between the sheet</p> <p>2 plant, because J.R. used to run a machine at the</p> <p>3 sheet plant, and the warehouse. Tommy liked to</p> <p>4 play.</p> <p>5 Q What do you mean, Tommy liked to play?</p> <p>6 A That was his way of playing.</p> <p>7 Q Did you enjoy playing like that?</p> <p>8 A No.</p> <p>9 Q Did it seem like anyone enjoyed playing like</p> <p>10 that?</p> <p>11 A I don't -- I don't know. I can't answer</p> <p>12 that one.</p> <p>13 Q You also mentioned Jerry Harville. Tell me</p> <p>14 what Mr. Whited did to him.</p> <p>15 A I've seen him punch him in the arm and got</p> <p>16 him in the groins. Jerry did the same thing, hit</p> <p>17 him back.</p> <p>18 Q And you mentioned there were a few others.</p> <p>19 Can you recall their names?</p> <p>20 A Not right off the bat, no, ma'am.</p> <p>21 Q Okay. They're not out there any more?</p> <p>22 A No, ma'am.</p> <p>23 Q Other than punching in the groin, did you</p> <p>24 see Mr. Whited grab other male employees in the</p> <p>25 groin?</p>
<p style="text-align: right;">Page 11</p> <p>1 Q Did Mr. Kulakowski seem like he was scared</p> <p>2 to you, scared of Mr. Whited?</p> <p>3 A Yes.</p> <p>4 Q Did Mr. Whited threaten other employees</p> <p>5 about losing their jobs, that he would fire them?</p> <p>6 A Me, one time.</p> <p>7 Q Tell me about that.</p> <p>8 A He got mad at Jerry Harville when Jerry was</p> <p>9 over there, and sent him to the plant. When I went</p> <p>10 to the warehouse, he called me in the office and</p> <p>11 told me if I screwed up, I was fired.</p> <p>12 Q Had you ever heard him say anything to other</p> <p>13 employees, threatening them with their job if they</p> <p>14 complained?</p> <p>15 A No, ma'am.</p> <p>16 Q Or if they didn't like the way things were,</p> <p>17 he would fire them?</p> <p>18 A No.</p> <p>19 Q Okay. You also mentioned J.R. Sanders was</p> <p>20 hit by Mr. Whited. Tell me about that.</p> <p>21 A J.R. would hit him back.</p> <p>22 Q Where did Mr. Whited hit him?</p> <p>23 A In the groin. In the groins, the arm.</p> <p>24 Q Was that also in the last year or so before</p> <p>25 Mr. Whited was terminated?</p>	<p style="text-align: right;">Page 13</p> <p>1 A No, ma'am. And for the record, he did not</p> <p>2 punch them. He slapped them, backhand.</p> <p>3 Q Right. Okay. But as I understand it, it</p> <p>4 still hurts to be slapped backhand.</p> <p>5 A Yes, yes.</p> <p>6 Q When that happened, when Mr. Whited would</p> <p>7 hit you in the groin or hit you in the arm, why</p> <p>8 didn't you call HR?</p> <p>9 A Because I knew that was his way of playing.</p> <p>10 And I figured the only way that I would get him to</p> <p>11 stop is to hit him back.</p> <p>12 Q Were you -- well, who was HR out at the</p> <p>13 plant?</p> <p>14 A I'm sorry, I don't know that one.</p> <p>15 Q Okay. Did you ever deal with Helen Kendall?</p> <p>16 A Yes.</p> <p>17 Q What was your understanding of her role?</p> <p>18 A I didn't know what her role was.</p> <p>19 Q Okay. And you don't know who HR is out at</p> <p>20 the fulfillment center?</p> <p>21 A Right now, I think it's Terri. I think</p> <p>22 that's her name. I'm not sure.</p> <p>23 Q Okay. Before Mr. Whited was terminated, did</p> <p>24 you know?</p> <p>25 A No. I didn't even know we had the HR there</p>

<p style="text-align: right;">Page 14</p> <p>1 until they came in and was talking.</p> <p>2 Q So, is it fair to say, to your knowledge,</p> <p>3 that wasn't published anywhere that you knew about?</p> <p>4 MS. DOHNER SMITH: Objection.</p> <p>5 THE WITNESS: No, ma'am.</p> <p>6 BY MS. COLLINS:</p> <p>7 Q You can still answer.</p> <p>8 A No.</p> <p>9 Q No, it wasn't published anywhere that you</p> <p>10 knew about?</p> <p>11 A No, ma'am.</p> <p>12 MS. DOHNER SMITH: Objection.</p> <p>13 BY MS. COLLINS:</p> <p>14 Q Were you told at any point before the Whited</p> <p>15 investigation that there was HR assigned to that</p> <p>16 plant if employees had problems?</p> <p>17 A Before he got --</p> <p>18 Q Yeah, before all of that investigation.</p> <p>19 A Yes. She has come in there a couple of</p> <p>20 times before. But I didn't know that that was HR</p> <p>21 for us to get ahold of.</p> <p>22 Q Okay. Do you know why she'd come in a</p> <p>23 couple of times before that?</p> <p>24 A No, ma'am.</p> <p>25 Q Okay. When she had come in before, had you</p>	<p style="text-align: right;">Page 16</p> <p>1 A Yes.</p> <p>2 Q Okay. Have you had any training on sexual</p> <p>3 harassment or how to report things in the workplace?</p> <p>4 A No, ma'am.</p> <p>5 Q So, no one from WestRock corporate has come</p> <p>6 out to tell y'all, hey --</p> <p>7 A Not to my knowledge.</p> <p>8 Q Okay. You've never experienced anything</p> <p>9 like that?</p> <p>10 A No, ma'am.</p> <p>11 Q Have you ever received any sort of survey</p> <p>12 out there as to how things are going that y'all can</p> <p>13 fill out?</p> <p>14 A Not to my knowledge.</p> <p>15 Q Okay. What shift do you work?</p> <p>16 A First shift.</p> <p>17 Q That's the daytime shift, right?</p> <p>18 A Yes, ma'am.</p> <p>19 Q And the hours of that are?</p> <p>20 A Usually 7:00 to 3:30, but I come in at 6:00.</p> <p>21 Q Do you leave around 2:00, 2:30?</p> <p>22 A No. I work until 3:30.</p> <p>23 Q Do you get paid overtime?</p> <p>24 A Yes, ma'am.</p> <p>25 Q Do you get paid for all of the hours you</p>
<p style="text-align: right;">Page 15</p> <p>1 had any occasion to meet with her?</p> <p>2 A No, ma'am.</p> <p>3 Q Okay. And you said you had seen her out at</p> <p>4 the fulfillment center a couple of times before. Do</p> <p>5 you know about how many times you'd seen her out</p> <p>6 there?</p> <p>7 A Just a couple, when they would bring up</p> <p>8 about the insurance with Helen.</p> <p>9 Q Okay. Like when y'all had to re-sign-up for</p> <p>10 insurance --</p> <p>11 A Yes.</p> <p>12 Q -- at the end of the year?</p> <p>13 A Yes.</p> <p>14 Q Okay. Have you been provided a copy of the</p> <p>15 company handbook?</p> <p>16 A Yes, ma'am.</p> <p>17 Q Do you get one on a yearly basis or every</p> <p>18 couple of years or how does that work?</p> <p>19 A If I'm not mistaken, I think one comes out</p> <p>20 every year. We go to sign up for the insurance. I</p> <p>21 know we get a big envelope, and it has to do with</p> <p>22 the insurance, but I think usually the handbook</p> <p>23 comes in that, too.</p> <p>24 Q Okay. And y'all just have to sign saying</p> <p>25 that you received it?</p>	<p style="text-align: right;">Page 17</p> <p>1 work?</p> <p>2 A Yes, ma'am.</p> <p>3 Q Have you ever been called in on the weekends</p> <p>4 or at nights to do something and not been paid for</p> <p>5 it?</p> <p>6 A No, ma'am.</p> <p>7 Q Do you know what you're supposed to do if</p> <p>8 you experience any sort of harassment in the</p> <p>9 workplace?</p> <p>10 A I do now.</p> <p>11 Q Okay. Well, let's backtrack a little bit.</p> <p>12 Before all this stuff happened with Mr. Whited, did</p> <p>13 you know what to do?</p> <p>14 A I pretty much did. But like before, I knew</p> <p>15 he was horseplaying, and I wanted to let him know</p> <p>16 that I wasn't going to put up with it.</p> <p>17 Q Okay.</p> <p>18 A And I think Terry and J.R. pretty much were</p> <p>19 the same way.</p> <p>20 Q What do you mean, you think you knew what to</p> <p>21 do? Just telling him to stop and hitting him back?</p> <p>22 A Basically, hitting him back, and I figured</p> <p>23 he would back off. If he continued on, yeah, I</p> <p>24 would have reported him.</p> <p>25 Q Do you know who you would have or should</p>

<p style="text-align: right;">Page 18</p> <p>1 have reported it to?</p> <p>2 A I would have called corporate.</p> <p>3 Q Did you know how to find that number?</p> <p>4 A Yes.</p> <p>5 Q Okay. Where would you have gone to find</p> <p>6 that number?</p> <p>7 A I think it's in the employee handbook, but I</p> <p>8 would have found it one way or another.</p> <p>9 Q Were you scared of Mr. Whited?</p> <p>10 A No.</p> <p>11 Q Were you worried about him terminating your</p> <p>12 employment?</p> <p>13 A At one time, yes.</p> <p>14 Q Was it because you hit him back, or what was</p> <p>15 the reason for that?</p> <p>16 A When he called me into the office and told</p> <p>17 me if I screwed up that I'd be fired.</p> <p>18 Q What brought that about?</p> <p>19 A He was mad at Jerry Harville.</p> <p>20 Q Okay. Had you heard him yell and cuss at</p> <p>21 other employees?</p> <p>22 A Yes.</p> <p>23 Q As I understand it, you know, cussing is --</p> <p>24 happens in the workplace out there, right?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 20</p> <p>1 A I think I've heard Kuli tell him one time.</p> <p>2 But I wasn't around him each and every time.</p> <p>3 Q Right. Did you ever hear Mr. Kulakowski</p> <p>4 tell Mr. Eden about, you know, he wishes Mr. Whited</p> <p>5 would quit?</p> <p>6 A Once.</p> <p>7 Q You heard him tell Mr. Eden that he wished</p> <p>8 Mr. Whited would not hit him?</p> <p>9 A One time.</p> <p>10 Q What do you recall Mr. Eden saying?</p> <p>11 A I don't know. It was on the phone.</p> <p>12 Q Okay. How did Mr. Kulakowski seem after he</p> <p>13 got off the phone?</p> <p>14 A He knew that Larry was not going to do</p> <p>15 anything about it.</p> <p>16 Q Did it seem like Larry was scared of or</p> <p>17 intimidated by Mr. Whited?</p> <p>18 A Yes.</p> <p>19 Q I may have already asked you this, but had</p> <p>20 you ever seen Mr. Whited grab a female employee in</p> <p>21 their groin area or hit them in their groin area?</p> <p>22 A No.</p> <p>23 Q Did Mr. Whited ever make threats around you</p> <p>24 that if someone made a hotline complaint that those</p> <p>25 would come to him?</p>
<p style="text-align: right;">Page 19</p> <p>1 Q But the way Mr. Whited talked to his</p> <p>2 subordinate employees, was it -- did it cross a line</p> <p>3 with you?</p> <p>4 A With me?</p> <p>5 Q Yes.</p> <p>6 A No.</p> <p>7 Q Did it seem like it crossed a line with some</p> <p>8 other people?</p> <p>9 A I can only answer in my words. That, I</p> <p>10 can't answer that one because, I mean, with me, I</p> <p>11 was letting it go for so far. For them, I don't</p> <p>12 know.</p> <p>13 Q Okay.</p> <p>14 A So, I mean, I don't -- you know, if he</p> <p>15 crossed the line with me, I would tell him before</p> <p>16 anything would happen. With them, I can't say what</p> <p>17 they would -- what they were thinking at the time.</p> <p>18 Q Do you think it was appropriate for -- and</p> <p>19 Mr. Whited was the general manager, right?</p> <p>20 A Yes.</p> <p>21 Q Do you think it was appropriate for him to</p> <p>22 hit male employees in the groin like he did?</p> <p>23 A No.</p> <p>24 Q Did you ever witness Mr. Kulakowski tell him</p> <p>25 to stop or not to do that?</p>	<p style="text-align: right;">Page 21</p> <p>1 A No.</p> <p>2 Q Do you think the WestRock reporting system</p> <p>3 was effective with the way that --</p> <p>4 MS. DOHNER SMITH: Objection.</p> <p>5 BY MS. COLLINS:</p> <p>6 Q -- Tommy Whited treated employees?</p> <p>7 A Can you reword that?</p> <p>8 Q Sure. Do you think the procedures that were</p> <p>9 in place to report a general manager like Tommy</p> <p>10 Whited who hit employees, do you think the procedure</p> <p>11 that was in place for employees to report those</p> <p>12 behaviors was effective?</p> <p>13 MS. DOHNER SMITH: Objection.</p> <p>14 THE WITNESS: I can't answer that. I</p> <p>15 don't know. Sorry. I just --</p> <p>16 BY MS. COLLINS:</p> <p>17 Q Yeah. Is that because you just --</p> <p>18 A I've never dealt with it, so I don't know.</p> <p>19 Q Okay. Are you worried about testifying here</p> <p>20 today?</p> <p>21 A Nervous.</p> <p>22 Q What are you nervous about?</p> <p>23 A In a law firm.</p> <p>24 Q I understand.</p> <p>25 A Has to do with the law. When it has to do</p>

<p style="text-align: right;">Page 22</p> <p>1 with the law, I don't know, anytime I'm around it, 2 it just makes me nervous. 3 Q Are you worried about your job security? 4 A No, ma'am. 5 Q Have you bought any cars or appliances from 6 Mr. Whited? 7 A No, ma'am. 8 Q Did you know that WestRock had a 1-800 9 number for reporting sexual harassment? 10 A Not at first I didn't. 11 Q Did you find out after all this happened? 12 A I found out, I think, before this happened. 13 Not long before this happened. I can't really say 14 when, but I know it was before this happened. 15 Q How did you find out about it? 16 A I think it was a couple employees was going 17 around in there saying something about it. I'm 18 not -- I don't quite remember. 19 Q Okay. And you're just not sure when that 20 was? 21 A Yeah. 22 Q Or the context? 23 A (Witness moves head up and down.) 24 I'm sorry. Yes. 25 Q Did a lot of the employees out there at the</p>	<p style="text-align: right;">Page 24</p> <p>1 tell me about who contacted you and what happened. 2 A I didn't even know that it had come out 3 until they started calling me up to the office, HR. 4 Q Okay. Who called you to the office? 5 A I think it was Terri, there was another 6 woman in there, and I think Tom Pedine. 7 Q Okay. How many meetings did you have with 8 HR, anyone in corporate about Mr. Whited's behavior? 9 A One. 10 Q One meeting. Did you have any phone calls 11 with them that you can recall? 12 A Not that I can recall. 13 Q Okay. And what did -- do you recall what 14 happened in the meeting with them? 15 A No, ma'am, I don't. 16 Q Okay. 17 A I don't. I'm sorry. I've got so much going 18 through my head all the time, I don't remember 19 everything. 20 Q I have the same problem. 21 Okay. Let's turn to -- if you could turn to 22 Exhibit Number 18. 23 (Presented Exhibit No. 18.) 24 THE WITNESS: Now, remember, I don't 25 have my glasses, so I can't see everything clearly.</p>
<p style="text-align: right;">Page 23</p> <p>1 fulfillment center talk about the way Tommy Whited 2 treated people? 3 A No. 4 Q Did you ever have -- did Tommy Whited ever 5 show his private parts or his penis to you? 6 A No. 7 Q Did you ever hear about him doing that to 8 other employees? 9 A No. 10 Q Okay. Did you ever hear him telling any 11 other employees that they needed to suck his dick -- 12 A No. 13 Q -- or anything like that? 14 A No. 15 Q I apologize. 16 A That's okay. 17 Q And you never heard about him saying 18 anything like that to other employees? 19 A No. 20 Q Okay. I'm going to go through a couple of 21 exhibits. If you could, in this giant book right 22 here -- well, first let me just ask you a few things 23 before we get to all of the paper. 24 When the things came out about Mr. Whited 25 and there was an investigation that was started,</p>	<p style="text-align: right;">Page 25</p> <p>1 BY MS. COLLINS: 2 Q I should have warned you. 3 A I'll tell you what I can see. 4 Q If you could read this top section where it 5 says Donnie Taylor, and then let me know when you've 6 finished reading it, if you can see it okay. 7 A I'm sorry. 8 Q Do you want me to see if I have some reading 9 glasses? I do. I can't promise they'll be the 10 right strength. One time I had a witness borrow the 11 court reporter's glasses and they were red tortoise 12 shell. 13 (Tendering.) Does that help? 14 A Donnie Taylor, 8.8.1994, August 22, 2016, 15 6:58 p.m. 16 Q You can just read it to yourself, and I'm 17 just going to ask you a couple of questions. Let me 18 know when you're done reading it to yourself. 19 A (Reviewing document.) Okay. 20 Q And I'm going to represent to you, these are 21 notes taken by Terri Henley of a phone conversation 22 she said she had with you. 23 A Okay. 24 Q Do you remember having a brief phone 25 conversation with her on or around August 22nd?</p>

<p style="text-align: right;">Page 26</p> <p>1 A Okay.</p> <p>2 Q Do you recall that?</p> <p>3 A No, I don't recall it, but it could have</p> <p>4 happened. Like I said, I've got so much on my mind,</p> <p>5 some things I do recall and some things I don't.</p> <p>6 Q Okay. Is the information that's recorded</p> <p>7 here accurate?</p> <p>8 A Kicking in the groin area, yes. That Tommy</p> <p>9 and Susan affair, yes. And the last part of it,</p> <p>10 yes.</p> <p>11 Q The last part, meaning if you met with her</p> <p>12 at the fulfillment center --</p> <p>13 (Overlapping speech.)</p> <p>14 A If she come to the fulfillment center.</p> <p>15 Because I told her I didn't want to really say too</p> <p>16 much on the phone.</p> <p>17 Q Okay. But you were worried if she came out</p> <p>18 to the fulfillment center, Tommy would know</p> <p>19 something was up and it wouldn't be good for you?</p> <p>20 A Yes. Because of Susan. Because she pretty</p> <p>21 much was telling Tommy everything that's going on.</p> <p>22 Q Okay. All right. But all of these other</p> <p>23 things -- and we've talked about some of them that</p> <p>24 you had witnessed, the inappropriate behavior of</p> <p>25 Tommy kicking -- I'll tell you witness number 4 is</p>	<p style="text-align: right;">Page 28</p> <p>1 A Yes.</p> <p>2 Q Okay. And you told Ms. Henley when she came</p> <p>3 out -- where did y'all meet?</p> <p>4 A At the conference room.</p> <p>5 Q At the?</p> <p>6 A Fulfillment.</p> <p>7 Q Fulfillment. And was this the meeting with</p> <p>8 the three of you, Ms. Henley, and Mr. Pedine?</p> <p>9 A No. This was just me and her at that time.</p> <p>10 Q Okay. Was she taking notes during that</p> <p>11 meeting or typing on a laptop?</p> <p>12 A I think she was typing on a laptop.</p> <p>13 Q Okay. And you had told her about these</p> <p>14 physical contact things with respect to Michael</p> <p>15 Kulakowski, right?</p> <p>16 A Yes.</p> <p>17 Q The slapping and the kicking. And she wrote</p> <p>18 down that Tommy Whited was grinning when he was</p> <p>19 doing those things.</p> <p>20 A Yes.</p> <p>21 Q At any point in time when you were -- since</p> <p>22 you've worked at WestRock, before Mr. Whited was</p> <p>23 terminated, did anyone tell you that male on male</p> <p>24 horseplay can be sexual harassment in the workplace?</p> <p>25 MS. DOHNER SMITH: Objection.</p>
<p style="text-align: right;">Page 27</p> <p>1 Michael Kulakowski --</p> <p>2 A Right.</p> <p>3 Q -- in the groin.</p> <p>4 A Right.</p> <p>5 Q Smacking him in the back of the head.</p> <p>6 A Right.</p> <p>7 Q Punching him in the arm and shoulder area.</p> <p>8 A Yes.</p> <p>9 Q And that you had witnessed Mr. Whited</p> <p>10 kicking Mr. Kulakowski in the groin area on more</p> <p>11 than one occasion.</p> <p>12 A Yes.</p> <p>13 Q Now, if you could turn to Exhibit Number 21</p> <p>14 for me, please.</p> <p>15 (Presented Exhibit No. 21.)</p> <p>16 BY MS. COLLINS:</p> <p>17 Q If you could turn to the second page of that</p> <p>18 exhibit, where it says Donnie Taylor.</p> <p>19 A Okay.</p> <p>20 Q Just review that section. I think it goes</p> <p>21 into the next page a little bit. And let me know</p> <p>22 when you're finished.</p> <p>23 A (Reviewing document.) Okay.</p> <p>24 Q Does the information that was recorded here,</p> <p>25 does that look accurate?</p>	<p style="text-align: right;">Page 29</p> <p>1 THE WITNESS: I knew it was.</p> <p>2 BY MS. COLLINS:</p> <p>3 Q You knew that horseplay could be sexual</p> <p>4 harassment?</p> <p>5 A Uh-huh. I know both could be terminated.</p> <p>6 Q How did you know that?</p> <p>7 A Different places that I've worked was the</p> <p>8 same way.</p> <p>9 Q When you were at WestRock, did you ever</p> <p>10 receive any training about sexual harassment or --</p> <p>11 A No.</p> <p>12 Q -- who to report things to if you felt you</p> <p>13 were being harassed?</p> <p>14 A Not when I started, no. Like I said, I</p> <p>15 didn't know until in the past few years.</p> <p>16 Q Was that after all this came out with</p> <p>17 Mr. Whited?</p> <p>18 A Just before. Just before they were starting</p> <p>19 to bring it up.</p> <p>20 Q Who was starting to bring it up?</p> <p>21 A The main office, HR. The few times that she</p> <p>22 was out there for the insurance, I think it came</p> <p>23 across a few times. I'm not exactly sure when, but</p> <p>24 I know it was brought up a few times before he got</p> <p>25 terminated.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q Okay. Did you have to sign anything saying</p> <p>2 that you've had this training or anything like that?</p> <p>3 A I don't -- I don't recall. I probably did,</p> <p>4 but I don't recall whether I did or not.</p> <p>5 Q Okay.</p> <p>6 A It wasn't really training. It was just</p> <p>7 brought up. I don't know if you would call that</p> <p>8 training.</p> <p>9 Q What do you mean, brought up?</p> <p>10 A It was just brought up in a conversation</p> <p>11 about people telling, you know, if this is done or</p> <p>12 this is done, it's considered as sexual harassment</p> <p>13 or horseplay, and you could both be fired for</p> <p>14 horseplay. You know, if one is going, the other one</p> <p>15 has got to go. But I think, you know, some people</p> <p>16 thought they were expendable. And I don't never</p> <p>17 think I'm expendable.</p> <p>18 Who brought it up, it was just -- I can't</p> <p>19 recall who, but it was in conversations with several</p> <p>20 different people.</p> <p>21 Q Okay. So you don't think it was like a</p> <p>22 formal conversation or training --</p> <p>23 A No.</p> <p>24 Q -- from HR or corporate?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q Okay. Would you say that the way that he</p> <p>2 treated Michael Kulakowski was a lot worse?</p> <p>3 A In some ways yes, in some ways no.</p> <p>4 Q Okay. What ways yes?</p> <p>5 A Got a little too carried away.</p> <p>6 Q With the hitting and the kicking?</p> <p>7 A Yes.</p> <p>8 Q Okay. In what ways no?</p> <p>9 A I think he kind of was protecting Kuli. He</p> <p>10 liked Kuli. I think he just wanted to kind of scare</p> <p>11 Kuli a little bit.</p> <p>12 Q Okay. Did Michael Kulakowski seem scared of</p> <p>13 him?</p> <p>14 A Yes.</p> <p>15 Q Now, you also mentioned in this -- in</p> <p>16 Ms. Henley's notes that Kuli is not one to lie. Is</p> <p>17 that how you feel about Mr. Kulakowski?</p> <p>18 A Since I've worked with him, that's how I</p> <p>19 feel.</p> <p>20 Q Okay. And she also noted that you've never</p> <p>21 heard Mr. Whited apologize. Is that true?</p> <p>22 A That's true.</p> <p>23 Q And that you can't tell whether he's joking</p> <p>24 and sometimes he's serious.</p> <p>25 A Right.</p>
<p style="text-align: right;">Page 31</p> <p>1 Q No?</p> <p>2 A No. That I can recall, no.</p> <p>3 Q Okay.</p> <p>4 A Now, HR might have brought it up, but</p> <p>5 there's been a lot on my mind going on on that part.</p> <p>6 So, I mean, I don't remember all of the meetings and</p> <p>7 everything that goes on in there.</p> <p>8 Q Were you worried because you had hit Tommy</p> <p>9 Whited back to defend yourself that you could get in</p> <p>10 trouble?</p> <p>11 A At first, I thought I was. But when I found</p> <p>12 out that -- you know, if there's a fight that takes</p> <p>13 place, it don't matter who hit, you're both fired.</p> <p>14 So, if he hits me and I hit him back and he goes and</p> <p>15 reports it, he should go just as well as I should</p> <p>16 go.</p> <p>17 Q Okay. So, you had an understanding that if</p> <p>18 you hit him back, that you could get in trouble for</p> <p>19 it, too?</p> <p>20 A Yes.</p> <p>21 Q And did that dissuade you from going to</p> <p>22 corporate and complaining about Mr. Whited?</p> <p>23 A No. No, he didn't pick on me like he did</p> <p>24 Kuli. There were several of us that he didn't pick</p> <p>25 on like he did Kuli.</p>	<p style="text-align: right;">Page 33</p> <p>1 Q She put a note on here, it says, "Consider</p> <p>2 that interaction - relationship playing</p> <p>3 interaction - not a friendly exchange. It is a</p> <p>4 defense so Tommy Whited doesn't mess with him."</p> <p>5 A I --</p> <p>6 Q You don't know what that means?</p> <p>7 A No, huh-uh.</p> <p>8 Q Okay. And she also noted that you said it's</p> <p>9 gone on for a long time. It's gotten worse in the</p> <p>10 past four to five years.</p> <p>11 A Yes.</p> <p>12 Q Did Mr. Whited seem more aggressive in the</p> <p>13 past --</p> <p>14 A Yes.</p> <p>15 Q -- several years?</p> <p>16 A Yes.</p> <p>17 Q And you also told her that a lot of people</p> <p>18 were scared of him and he's intimidating.</p> <p>19 A Yes.</p> <p>20 Q And she wrote down that he's using Kuli as a</p> <p>21 play toy, that you said that.</p> <p>22 A Yes.</p> <p>23 Q What did you mean by that?</p> <p>24 A Because Kuli wouldn't hit him back, so he</p> <p>25 just kept going after him.</p>

<p style="text-align: right;">Page 34</p> <p>1 Q She also wrote down that you stated he 2 messed with a lot of people, but further on down the 3 line. He is serious and it isn't horseplay any 4 more. 5 Do you know -- do you recall what that's 6 about? 7 A No. 8 Q Did it seem like he picked on newer 9 employees or employees that hadn't been there as 10 long or weren't supervisors more? 11 A He didn't pick on the new employees. Some 12 of the ones that have been there a while, I think he 13 got probably a little bit more agitated. Why, I 14 don't know. But as in the hitting part and stuff 15 like that, it basically came down to Kuli. 16 Q She also noted that you felt like he showed 17 favoritism to Larry Eden. What was that about? 18 A Putting somebody in a position that don't 19 belong in the position. That's my point of view. 20 Q Do you think Larry Eden was like a yes-man 21 to him? 22 A Uh-huh. Yes. 23 Q And that's why he put him in that position? 24 A Yes. 25 MS. DOHNER SMITH: Objection.</p>	<p style="text-align: right;">Page 36</p> <p>1 can. 2 (Recess observed.) 3 BY MS. COLLINS: 4 Q All right. Were you around when Mr. Whited 5 was terminated? 6 A Yes. 7 Q Do you recall security being brought out to 8 the plant? 9 A Yes. 10 Q Do you know why that was or did you hear why 11 that was? 12 A I just figured they'd put security out there 13 to make sure he didn't come back and do anything. 14 Q Did anybody voice any concerns to you or 15 that you knew about that they were worried he was 16 going to do something? 17 A No, ma'am. 18 Q Do you know who made the initial complaint 19 against him in August of 2016? 20 A No, ma'am. 21 Q Has it been better out there since he's 22 gone? 23 A So so. 24 Q Sounds like a lot of changes in the past 25 year.</p>
<p style="text-align: right;">Page 35</p> <p>1 BY MS. COLLINS: 2 Q Was it your impression Larry Eden didn't 3 stand up to him? 4 A Yes. 5 Q Was it your impression Larry Eden was afraid 6 to stand up to him? 7 A Yes. 8 Q Do you still feel that way about Larry Eden? 9 A Yes. 10 Q Before Mr. Whited's termination, do you 11 recall receiving any sort of formal or informal 12 sexual harassment training from corporate? 13 MS. DOHNER SMITH: Objection. 14 BY MS. COLLINS: 15 Q From WestRock corporate. 16 A I don't recall. 17 Q Do you recall an incident where Mr. Whited 18 came up to Michael Kulakowski and grabbed him while 19 he was standing by a desk, and he ended up on the 20 ground, getting shoved off, over the desk and ended 21 up on the ground? 22 A I don't recall. 23 MS. COLLINS: Okay. If I could just 24 have a minute, I think that I am finished with you. 25 If you want to take a break, go to the restroom, you</p>	<p style="text-align: right;">Page 37</p> <p>1 A Yes, ma'am. 2 Q Did you ever see him hit Michael Kulakowski 3 with a broomstick? 4 A I seen him throw it at him. 5 Q Okay. You don't recall him hitting him with 6 one? 7 A No, ma'am. 8 Q Are there cameras out there at the 9 fulfillment center -- 10 A Yes, ma'am. 11 Q -- in the workplace? 12 A Yes. 13 Q Did they record all the time or do you know 14 anything about that? 15 A I have -- I don't know. 16 Q And I think you told me a moment ago you've 17 never called the company hotline, right? 18 A Right. 19 Q Did you know the company had a hotline 20 before all this Whited stuff came about? 21 A I kind of figured they did, but I didn't pay 22 no attention to it. 23 Q Okay. By figured they did -- 24 A I knew that they would have a hotline, but I 25 just didn't bother calling it.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q And you didn't know the specifics as to how 2 it was handled?</p> <p>3 A Yes, ma'am.</p> <p>4 Q Would you trust doing that, if you had to 5 make a complaint against the general manager?</p> <p>6 A Yes.</p> <p>7 Q Do you recall an incident where Mr. Whited 8 came up behind Mr. Kulakowski and squeezed him in 9 the groin so hard that he couldn't breathe?</p> <p>10 A I didn't see it, but Kuli did tell me about 11 it.</p> <p>12 Q Okay. And you believed him?</p> <p>13 A Yes.</p> <p>14 MS. COLLINS: Okay. That's all I have.</p> <p>15 MS. DOHNER SMITH: Just a couple of 16 questions.</p> <p>17 EXAMINATION</p> <p>18 BY MS. DOHNER SMITH:</p> <p>19 Q I think earlier you testified that when 20 Michael Kulakowski said he was tired of the way 21 Tommy was treating him, you told him if he hit him 22 back, he would stop.</p> <p>23 A Yes.</p> <p>24 Q But he was -- Mr. Kulakowski was afraid that 25 Tommy would fire him if he hit him back?</p>	<p style="text-align: right;">Page 40</p> <p>1 the main office or HR had also talked about the 2 corporate hotline and how to report things?</p> <p>3 A Yes.</p> <p>4 Q You testified that you thought Larry Eden 5 was a yes-man and wouldn't stand up to Tommy Whited. 6 Did Michael Kulakowski have the same opinion of 7 Larry?</p> <p>8 A Yes.</p> <p>9 MS. COLLINS: Objection to form.</p> <p>10 BY MS. DOHNER SMITH:</p> <p>11 Q Did he express to you that he had that same 12 opinion of Larry?</p> <p>13 A Yes.</p> <p>14 Q And he knew Larry wasn't going to do 15 anything to stop Tommy?</p> <p>16 A Correct.</p> <p>17 Q I'm just going to have you look at what has 18 previously been marked as Exhibit 4.</p> <p>19 (Presented Exhibit No. 4.)</p> <p>20 BY MS. DOHNER SMITH:</p> <p>21 Q I think earlier you said that you received 22 your own copy of the handbook.</p> <p>23 A Yes. I do know I have one at home.</p> <p>24 Q Okay.</p> <p>25 A It's a newer one.</p>
<p style="text-align: right;">Page 39</p> <p>1 A Yes.</p> <p>2 Q You hit Mr. Whited back and you weren't 3 terminated by Tommy, correct?</p> <p>4 A Correct.</p> <p>5 Q J.R. Sanders hit Tommy back and wasn't 6 terminated by Tommy, correct?</p> <p>7 A Correct.</p> <p>8 Q Jerry Harville hit Tommy back and wasn't 9 terminated by Tommy, correct?</p> <p>10 A Correct.</p> <p>11 Q You indicated that you thought Tommy tried 12 to protect Kuli at times. Were there times that he 13 could have terminated Mr. Kulakowski but he didn't 14 do so?</p> <p>15 A Yes.</p> <p>16 MS. COLLINS: Objection to form.</p> <p>17 BY MS. DOHNER SMITH:</p> <p>18 Q I just want to make sure the record is 19 clear, because I think you testified that there were 20 a couple of times before Tommy Whited was terminated 21 that corporate HR came, or someone from corporate 22 came and talked about harassment and reporting 23 harassment.</p> <p>24 A Correct.</p> <p>25 Q And before Tommy was let go, someone from</p>	<p style="text-align: right;">Page 41</p> <p>1 Q The harassment policy is in the handbook, 2 correct?</p> <p>3 A I think so. I haven't really looked at it, 4 but yes, ma'am.</p> <p>5 Q If you look at Page 11 of this --</p> <p>6 THE WITNESS: Can I borrow your 7 glasses, please?</p> <p>8 MS. COLLINS: Absolutely.</p> <p>9 THE WITNESS: I promise I won't walk 10 out with them.</p> <p>11 MS. COLLINS: It's okay.</p> <p>12 BY MS. DOHNER SMITH:</p> <p>13 Q Looking at that document, does that appear 14 to be WestRock's sex harassment policy?</p> <p>15 A (Reviewing document.)</p> <p>16 I can't say yes and I can't say no, because 17 I haven't really read it.</p> <p>18 Q Okay. This policy here, though, it actually 19 has a 1-800 number listed there to call, correct?</p> <p>20 A Yes, ma'am.</p> <p>21 Q Any reason to think that this isn't the 22 company's handbook?</p> <p>23 A No.</p> <p>24 Q Okay. And Page 7 of the handbook, that 25 actually has the compliance hotline as well,</p>

Page 42	Page 44																																																												
<p>1 correct?</p> <p>2 A Yes, ma'am.</p> <p>3 Q Okay. So if you wanted to make a report of</p> <p>4 sex harassment, would you have gone to your handbook</p> <p>5 and looked for the number to call?</p> <p>6 A Yes.</p> <p>7 MS. DOHNER SMITH: Okay. I don't have</p> <p>8 anything else.</p> <p>9 FURTHER DEPONENT SAITH NOT.</p> <p>10 (Proceedings concluded at 11:10 a.m.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 E R R A T A</p> <p>2</p> <p>3 I, DONALD CHARLES TAYLOR, having read the</p> <p>4 foregoing deposition, Pages 1 through 42, taken</p> <p>5 November 16, 2017, do hereby certify said</p> <p>6 testimony is a true and accurate transcript,</p> <p>7 with the following changes, if any:</p> <table border="1"><thead><tr><th>6 PAGE</th><th>LINE</th><th>SHOULD HAVE BEEN</th></tr></thead><tbody><tr><td>7</td><td></td><td></td></tr><tr><td>8</td><td></td><td></td></tr><tr><td>9</td><td></td><td></td></tr><tr><td>10</td><td></td><td></td></tr><tr><td>11</td><td></td><td></td></tr><tr><td>12</td><td></td><td></td></tr><tr><td>13</td><td></td><td></td></tr><tr><td>14</td><td></td><td></td></tr><tr><td>15</td><td></td><td></td></tr><tr><td>16</td><td></td><td></td></tr><tr><td>17</td><td></td><td></td></tr><tr><td>18</td><td></td><td></td></tr><tr><td>19</td><td></td><td></td></tr><tr><td>20</td><td></td><td></td></tr><tr><td>21</td><td></td><td></td></tr><tr><td>22</td><td></td><td></td></tr><tr><td>23</td><td></td><td></td></tr><tr><td>24</td><td></td><td></td></tr><tr><td>25</td><td></td><td></td></tr></tbody></table> <p>23 My commission expires: _____</p> <p>24</p> <p>25</p>	6 PAGE	LINE	SHOULD HAVE BEEN	7			8			9			10			11			12			13			14			15			16			17			18			19			20			21			22			23			24			25		
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<p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 I, Jerri L. Porter, RPR, CRR, Notary</p> <p>4 Public and Court Reporter, do hereby certify that I</p> <p>5 recorded to the best of my skill and ability by</p> <p>6 machine shorthand all the proceedings in the</p> <p>7 foregoing transcript, and that said transcript is a</p> <p>8 true, accurate, and complete transcript to the best</p> <p>9 of my ability.</p> <p>10 I further certify that I am not an</p> <p>11 attorney or counsel of any of the parties, nor a</p> <p>12 relative or employee of any attorney or counsel</p> <p>13 connected with the action, nor financially</p> <p>14 interested in the action.</p> <p>15 SIGNED this 28th day of November, 2017.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>																																																													